

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

GIGI FAIRCHILD-LITTLEFIELD,

Plaintiff,

vs.

R. AMEZCUA, et al.,

Defendants.

**1:20-cv-00799-JLT-GSA-PC**

**ORDER DIRECTING CLERK TO SEND A  
COPY OF DEFENDANT'S MOTION TO  
DISMISS TO PLAINTIFF**

**(ECF No. 39.)**

**ORDER PERMITTING PLAINTIFF  
OPPORTUNITY TO WITHDRAW  
OPPOSITION AND FILE AMENDED  
OPPOSITION**

**THIRTY-DAY DEADLINE**

On September 22, 2022, defendant Amezcua ("Defendant") filed a motion to dismiss this case. (ECF No. 39.) On November 10, 2022, Plaintiff filed an opposition to the motion. (ECF No. 43.)

In the opposition, Plaintiff states that she never received a copy of Defendant's motion to dismiss and therefore does not know on what grounds the motion to dismiss is based. (*Id.* at 3:20-26.) The Court shall re-serve a copy of the pending motion to dismiss upon Plaintiff.

Also, the Court finds good cause at this juncture to open a thirty-day time period for Plaintiff to file a further opposition to Defendant's pending motion to dismiss, if she so wishes. The Court will not consider multiple oppositions, however, and Plaintiff has two options upon receipt of this order: Plaintiff may either (1) stand on her previously-filed opposition; or (2)

1 withdraw it and file an Amended Opposition. The Amended Opposition, if any, must be  
2 complete in itself and must not refer back to any of the opposition documents Plaintiff filed on  
3 November 10, 2022. L.R. 220.<sup>1</sup>

4 Accordingly, it is HEREBY ORDERED that:

- 5 1. The Clerk's Office is directed to re-serve a copy of Defendant's motion to dismiss  
6 (ECF No. 39), filed on September 22, 2022, upon Plaintiff;
- 7 2. Plaintiff may, within **thirty (30) days** from the date of service of this order,  
8 withdraw her opposition and file an Amended Opposition to Defendant's motion  
9 to dismiss;
- 10 3. If Plaintiff does not file an Amended Opposition in response to this order, her  
11 existing opposition, filed on November 10, 2022, will be considered in resolving  
12 Defendant's motion to dismiss; and
- 13 4. If Plaintiff elects to file an Amended Opposition, Defendant may file a reply  
14 pursuant to Local Rule 230(I).

15 IT IS SO ORDERED.

16 Dated: **November 17, 2022**

17 **/s/ Gary S. Austin**  
18 UNITED STATES MAGISTRATE JUDGE

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26 <sup>1</sup> Local Rule 220 provides, in part: "Unless prior approval to the contrary is obtained from  
27 the Court, every pleading to which an amendment or supplement is permitted as a matter of right or has  
28 been allowed by court order shall be retyped and filed so that it is complete in itself without reference to  
the prior or superseded pleading. No pleading shall be deemed amended or supplemented until this Rule  
has been complied with. All changed pleadings shall contain copies of all exhibits referred to in the  
changed pleading."